

Serial No. 09/996,189
60,130-1291
00MRA0622

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-15 and 17-24 are currently pending and stand finally rejected by the Examiner. Claims 6, 9, 10, 13, 18, 20 are withdrawn. No new matter has been added.

Applicant thanks the Examiner for the telephonic interview on June 29, 2004, where various issues were discussed and clarified. The issues discussed and agreed to are outlined below.

§ 103 rejection

Claims 1-5, 7, 8, 11, 12, 14, 15, 17, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,649,726 to Rogers Jr. et al. ("Rogers") in view of U.S. Patent No. 6,114,821 to Kachouh ("Kachouh"). Applicant respectfully traverses this rejection.

As noted in the previous response, claims 1 and 24 recite a motor that is powered in a single direction to move the output member from a first output position to a second output position and from a second output position to a first output position. The Office Action admitted that Rogers shows a reversible electric motor and not the claimed motor, but asserted that it would have been obvious to substitute the motor shown in Kachouh for the motor into Rogers to teach the claimed invention. Applicant respectfully disagrees.

As discussed in the June 29, 2004 interview, Kachouh fails to show a motor powered in a single direction to move an output member from a first output position to a second output position and from the second position to the first position. In Kachouh, Figure 1 shows a system in a superlocked position, Figure 2 shows an unlocked position, and Figure 3 shows a locked position. An electrical switch 7 turns an electric drive motor 1 on and off (col. 3, lines 1-3 and col. 3, line 60 to col. 4, line 2). The position of the switch 7 is influenced by both a servo-drive element 3 and a switch element 4.

Thus, rather than being controlled by the motor 1, the switch element 4 (along with the servo-drive element 3) controls operation of the switch 7, which in turn controls operation of the motor 1. The switching element 4 in Kachouh therefore cannot be considered the same as the

Serial No. 09/996,189
60,130-1291
00MRA0622

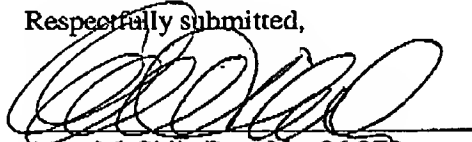
claimed output member because it actually serves as an input member for controlling motor operation (see, e.g., Abstract).

Because neither Rogers nor Kachouh teach a motor and an output member having the claimed relationship, the Office Action fails to establish a prima facie case of obviousness with respect to claims 1-5, 7, 8, 11, 12, 14, 15, 17, and 19. Withdrawal of the rejection is therefore respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,



Anna M. Shih, Reg. No. 36,372
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: 29 June, 2004

N:\Clients\MERITOR\IP01291\PATENT\After final amendment 1 16 04 FOA.DOC

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306, on 6-29, 2004.



Beth A. Beard